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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 QUINTILANO GUSTAVO MONTES,

15 Defendant.
16

Case No. 2:23-mj-00455-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Third Request)

17
18 IT IS HEREBY STIPULATED AND AGREED, by and between
19 Jason M. Frierson, United States Attorney, and Melanee Smith, Assistant United
20 States Attorney, counsel for the United States of America, and Rene L. Valladares,
21 Federal Public Defender, and Keisha K. Matthews, Assistant Federal Public
22 Defender, counsel for Quintilano Gustavo Montes, that the bench trial currently
23 scheduled on March 27, 2024, at the hour of 9:00 a.m., be vacated and continued
24 to a date and time convenient to the Court, but no sooner than sixty (60) days.
25
26

1 This Stipulation is entered into for the following reasons:

2 1. The parties are in the final stages of negotiating a possible non-trial
3 disposition and need additional time to finalize those negotiations.

4 2. The defendant is out of custody and agrees with the need for the
5 continuance.

6 3. The parties agree to the continuance.

7 4. Additionally, denial of this request for continuance could result in a
8 miscarriage of justice. The additional time requested by this Stipulation is
9 excludable in computing the time within which the trial herein must commence
10 pursuant to the Speedy Trial Act, Title 18, United States Code, Section
11 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section
12 3161(h)(7)(B)(i), (iv).

13 This is the third request for a continuance of the bench trial.

14 DATED this 27th day of March 2024.

15
16 RENE L. VALLADARES
17 Federal Public Defender

JASON M. FRIERSON
United States Attorney

18 /s/ Keisha K. Matthews
19 By _____

20 KEISHA K. MATTHEWS
Assistant Federal Public Defender

/s/ Melanee Smith
By _____

MELANEE SMITH
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 QUINTILANO GUSTAVO MONTES,

7 Defendant.
8

Case No. 2:23-mj-00455-BNW

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

9
10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing
12 therefore, the Court finds that:

- 13 1. The parties are in the final stages of negotiating a possible non-trial
14 disposition and need additional time to finalize those negotiations.
- 15 2. The defendant is out of custody and agrees with the need for the
16 continuance
- 17 3. The parties agree to the continuance.
- 18 4. Additionally, denial of this request for continuance could result in a
19 miscarriage of justice. The additional time requested by this Stipulation is
20 excludable in computing the time within which the trial herein must commence
21 pursuant to the Speedy Trial Act, Title 18, United States Code, Section
22 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section
23 3161(h)(7)(B)(i), (iv).

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CONCLUSIONS OF LAW


The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, March 27, 2024, at 9:00 a.m., be vacated and continued to June 5, 2024 at 9:00 a.m.

DATED this 5 day of April, 2024.


UNITED STATES MAGISTRATE JUDGE